

1762

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:) Art Unit 1762
Chappa, et al.)
Serial No.: 10/028,518) Our Ref. 9896.149.0
Filed: 21 December 2001)
For: REAGENT AND METHOD FOR) Examiner: Jennifer K. Michener
PROVIDING COATINGS ON SURFACES)
To: Commissioner for Patents)
P.O. Box 1450)
Alexandria, VA 22313-1450)

I hereby certify that this correspondence is being:

[X] deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
[] facsimile transmitted to the Patent and Trademark Office
[] hand delivered to the Patent and Trademark Office
on this 26th day of April, 2004

By Joyce Thomas

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action mailed march 29, 2004, the unextended period for response to which is set to expire April 29, 2004, the Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I: Claims 1-20, drawn to a method of forming a polymeric coating
- II: Claims 21-30 and 32-42, drawn to a support surface
- III: Claim 31, drawn to a composition system

In response to the restriction requirement, Applicants provisionally elect Group II (Claims 21-30 and 32-42) with traverse.

Applicants traverse the restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P § 803. The subject matter of Groups I, II and III are

believed sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of all groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicant, Applicant respectfully requests examination on the merits of all the claims, not just those of Group II.

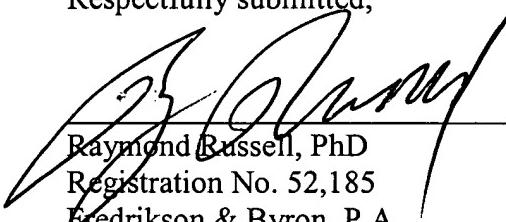
Furthermore, Applicant submits that if a determination of an allowable generic claim is issued, claims that are written in dependant form or otherwise include all the limitations of the allowed generic claim should be considered. M.P.E.P. § 809.02(c). Therefore, the Applicant respectfully requests that the Examiner consider rejoining the method claims of Groups I, II and III upon a finding of allowability of the claims of Group II.

Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: 4/28/04



Raymond Russell, PhD
Registration No. 52,185
Fredrikson & Byron, P.A.
4000 Pillsbury Center
200 South Sixth Street
Minneapolis, MN 55402-1425
(612) 492-7225
Customer No. 022859

#2952840\1